Rehabilitation of undertrials

†1759. SHRI SURENDRA LATH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the State-wise details of the total number of undertrials imprisoned in different jails in the country;

(b) whether it is a fact that there are large number of such prisoners who are languishing in jails for years as they are not in a position to provide bail-surety;

(c) whether Government have formulated any policy for the welfare and rehabilitation of such prisoners;

(d) whether it is also a fact that more prisoners are kept almost in all the jails than their respective capacities and no proper arrangement is made with regard to their food, lodging and sleeping; and

(e) if so, whether Government are formulating any plan in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO GAVIT): (a) As per statistics compiled by the National Crime Records Bureau, there were 237076 undertrials detained in various jails of the country as on 31.12.2005. The State-wise details of undertrails is given in Statement-I (*See* below).

(b) A Statement indicating the number of undertrial prisoners kept in jails for various period at the end of 2005 is at Statement-II (*See* below).

(c) to (e) "Prisons" is a State subject under List II of the Seventh Schedule to the Constitution of India and Prison Administration is primarily the responsibility of the respective State Governments. However, with a view to supplement the efforts of the State Governments the following reform measures have been taken up by the Central Government:

(1) In order to improve the condition of prisons, prisoners and the prison staff, the Central Government launched a non-plan scheme in 2002-03 for construction of additional prisons to reduce overcrowding, repair and renovation of existing prisons, improvement in sanitation and prison staff. The scheme is being implemented over a period of five years with an outlay of Rs 1800 crore on cost sharing basis in the ratio of 75:25 between the Central and State Governments respectively.

(2) A new section *viz.* 436A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner other than the one accused on an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

†Original notice of the question was received in Hindi.

Section 436 (1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.

(3) In 2006, the Government of India has introduced the system of plea bargaining primarily to reduce pendency of cases in trial courts and overcrowding in prisons. Under plea bargaining an accused will be entitled to a reduced sentence if he admits to the crime and agrees to compensate the victim. This will also require the consent of the victim, judge and prosecutor. The accused will have to file an application before the judge for plea bargaining.

(4) For disposal of long pending sessions and other cases, Government of India has also set up 1562 Fast Track Court which have disposed off a total of 10.4 lakh cases out of 18.2 cases transferred to them.

(5) Government of India has prepared a Model Prison Manual and circulated to all the State Governments/Union Territories in December, 2003 for their guidance. The manual aims at bringing in basic uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country; rationalisation of prison practices to cater effectively to various categories of prisoners, spelling out minimum standards of institutional services for the care, protection, treatment, education, training and resocialisation of incarcerated offenders etc.

Statement

State/UT-wise distribution of undertrial prisoners in different jails at the end of 2005

Sl. No.	State/UT	Central Jail	District Jail	Sub Jail	Women Jail	Borstal School	Open Jail	Special Jail	Others	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	4029	2089	3188	286	0	0	0	0	9592
2.	Arunachal Pradesh	–	–	–	–	–	–	–	–	–
3.	Assam	2437	2377	28	0	0	0	158	0	5000
4.	Bihar	9124	21919	8936	40	0	0	0	0	40019
5.	Chhattisgarh	2360	1470	1679	0	0	0	0	0	550
6.	Goa	17	0	97	0	0	0	0	132	246
7.	Gujarat	2162	2557	1554	0	0	0	178	0	6451
8.	Haryana	1527	5753	300	0	137	0	0	0	7717
9.	Himachal Pradesh	127	134	275	0	0	0	0	0	536
10.	Jammu and Kashmir	527	939	73	0	0	0	0	0	1539
11.	Jharkhand	3123	9376	1412	0	28	0	0	0	13939
12.	Karnataka	4266	962	2583	0	0	0	168	0	7979
13.	Kerala	1287	753	1370	22	0	0	610	0	4042

1	2	3	4	5	6	7	8	9	10	11
14.	Madhya Pradesh	4616	4651	7724	0	0	0	0	0	16991
15.	Maharashtra	9556	5974	0	326	0	0	90	0	15946
16.	Manipur	395	0	0	0	0	0	0	0	395
17.	Meghalaya	0	487	0	0	0	0	0	0	487
18.	Mizoram	211	331	0	0	0	0	0	0	542
19.	Nagaland	166	183	135	0	0	0	0	0	484
20.	Orissa	0	3601	4980	12	198	0	929	0	9720
21.	Punjab	6863	1408	961	132	20	0	0	0	9572
22.	Rajasthan	2849	2578	1898	38	0	0	0	0	7363
23.	Sikkim	122	0	0	0	0	0	0	0	122
24.	Tamil Nadu	2961	0	0	47	0	0	0	0	3008
25.	Tripura	167	122	363	4	0	0	0	0	656
26.	Uttar Pradesh	1396	41249	410	0	0	0	23	0	43078
27.	Uttaranchal	0	889	689	0	0	0	0	0	1578
28.	West Bengal	7076	3384	2766	9	0	0	782	0	14017
	TOTAL (STATES):	67364	113186	41421	916	571	0	2938	132	226528
29.	A and N Islands	0	154	4	0	0	0	0	0	158
30.	Chandigarh	0	0	0	0	0	0	0	371	371
31.	D and N Haveli	0	0	29	0	0	0	0	0	29
32.	Daman and Diu	0	0	24	0	0	0	0	0	24
33.	Delhi	9415	6	0	370	0	0	0	0	9791
34.	Lakshadweep	0	0	6	0	0	0	0	0	6
35.	Pondicherry	138	26	5	0	0	0	0	0	169
	TOTAL (UTs):	9553	186	68	370	0	0	0	371	10548
	TOTAL (ALL-INDIA):	76917	113372	41489	1286	571	0	2938	503	237076

Statement-II

No. of undertrial prisoners kept in jails for various period at the end of 2005

Period	No. of undertrials
Upto 3 Months	97,903
3-6 Months	50,344
6-12 Months	43,580
1-2 Years	26,025
2-3 Years	11,369
3-5 Years	5,971
Above 5 Years	1,884
TOTAL:	2,37,076